

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

June 12, 2014

- I. **CALL TO ORDER** - The meeting was called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present - Mike Owens, Chair; Mike Cravens; Karen Mundy; Carolyn Plumlee; Frank Penn; Joseph Smith; Bill Wilson; Will Berkley and Carla Blanton. David Drake and Patrick Brewer were absent.

Planning staff members present - Chris King; Bill Sallee; Barbara Rackers; Tom Martin; David Jarman; Kelly Hunter; Cheryl Galt and Denice Bullock. Other staff members in attendance were: Hillard Newman, Division of Engineering; Jeff Neal, Division of Traffic Engineering; Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire and Emergency Services, and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – There were no minutes to consider at this time.

- III. **POSTPONEMENTS OR WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.

- a. PLAN 2014-11F: TUSCANY, UNIT 10 (6/12/14)* - located at 1970 Winchester Road.
(Council District 6)

(EA Partners)

Note: The Planning Commission postponed this plan at their March 13, 2014; April 10, 2014 and May 8, 2014, meetings.

The Subdivision Committee Recommended: **Postponement.** There were some questions regarding the need for a preliminary subdivision plan and the timing and construction of public infrastructure in the area.

Should this plan be approved, the following requirements should be considered:

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Denote right-of-way width of Winchester Road at cross-section location.
10. Addition of building line along Meeting Street.
11. Discuss extension of Meeting Street and timing of its approval for construction.
12. Discuss access proposed to Winchester Road.
13. Discuss sanitary sewers necessary to serve lot.
14. Discuss need for preliminary subdivision plan.
15. Discuss Urban County Engineer's and engineer's certifications.

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of PLAN 2014-11F: TUSCANY, UNIT 10 to the July 10, 2014, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Cravens, seconded by Ms. Plumlee and carried 9-0 (Brewer and Drake absent) to postpone PLAN 2014-11F: TUSCANY, UNIT 10 to the July 10, 2014, Planning Commission meeting.

- b. DP 2014-13: GROWTH PROPERTIES (AMD) (6/12/14)* - located at 100 Goodrich Avenue.
(Council District 3)

(Vision Engineering)

Note: The Planning Commission postponed this plan at their March 13, 2014; March 27, 2014; April 10, 2014, and May 8, 2014, meetings. The purpose of this amendment is to depict a single family residence at 100 Goodrich Avenue, the line separating it from the B-1 zone, and to revise plan notes.

The Subdivision Committee Recommended: **Postponement.** There are concerns regarding the suitability of the proposed single family use and the historic storm water flooding conditions.

Should this plan be approved, the following conditions should be considered:

* - Denotes date by which Commission must either approve or disapprove request.

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
8. Correct typographical errors throughout plan notes.
9. Restore access restrictions from previous note #11.
10. Discuss need to establish a finished floor elevation for proposed residence on 100 Goodrich Avenue.
11. Discuss possible 25' building line at 100 Goodrich Avenue.

Representation – Matt Carter, Vision Engineering, was present representing the applicant, and requested postponement of DP 2014-13: GROWTH PROPERTIES (AMD) to the July 10, 2014, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Penn, seconded by Ms. Plumlee and carried 9-0 (Brewer and Drake absent) to postpone DP 2014-13: GROWTH PROPERTIES (AMD) to the July 10, 2014, Planning Commission meeting.

- c. DP 2014-26: KIRKLEVINGTON NORTH, TRACT B (AMD) (6/12/14)* - located at 858 Malabu Drive.
(Council District 4) **(Vision Engineering)**

Note: The Planning Commission postponed this plan at their April 10, 2014, and May 8, 2014, meetings. The purpose of this amendment is to add a building and provide additional parking.

The Subdivision Committee Recommended: Postponement. The development plan is missing information demonstrating that it is in compliance with the Zoning Ordinance.

Should this plan be approved, the following requirements should be considered:

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection locations.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Denote boundaries of property in solid lines.
10. Addition of record plat designation.
11. Complete topography information.
12. Denote access point for construction.
13. Addition of access points across the street.
14. Denote P-1/R-4 zoning boundary on plan.
15. Denote zone-to-zone screening buffer widths on plan.
16. Denote required and provided open space in site statistics.
17. Denote height of building, in feet.
18. Denote floor area and floor area ratio in site statistics.
19. Denote all existing and proposed easements.
20. Addition of tree inventory and tree canopy information.
21. Dimension driveways, drive aisle and driveway apron.
22. Discuss 5' side yard setback and possible variance.

Representation – Matt Carter, Vision Engineering, was present representing the applicant, and requested an indefinite postponement of DP 2014-26: KIRKLEVINGTON NORTH, TRACT B (AMD).

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 9-0 (Brewer and Drake absent) to indefinitely postpone DP 2014-26: KIRKLEVINGTON NORTH, TRACT B (AMD).

* - Denotes date by which Commission must either approve or disapprove request.

- d. PLAN 2014-33F: ASHLAND PARK SUBDIVISION, UNIT 11, LOT 4 (8/3/14)* - located at 312 Clinton Road.
(Council District 5) **(Wes Witt)**

Note: The purpose of this amendment is to subdivide one lot into two lots.

The Subdivision Committee Recommended: **Postponement**. The proposed lot is not currently served by sanitary sewer.

Should this plan be approved, the following requirements should be considered:

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
6. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
7. Addition of name and address of property owner and developer.
8. Addition of graphic scale.
9. Addition of utility easement per current Final Record Plat.
10. Demonstrate compliance with required setbacks relative to existing house (on Lot 4).
11. Delete street tree note #5.
12. Delete street tree note referencing 45' on center.
13. Revise the 25' building line on Lot 4 to 30'.
14. Discuss proposed driveway location on Lot 4B.
15. Discuss provisions of sanitary sewer service and necessary easement(s).

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant, requesting postponement of PLAN 2014-33F: ASHLAND PARK SUBDIVISION, UNIT 11, LOT 4 to the July 10, 2014, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 9-0 (Brewer and Drake absent) to postpone PLAN 2014-33F: ASHLAND PARK SUBDIVISION, UNIT 11, LOT 4 to the July 10, 2014, Planning Commission meeting.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, June 5, 2014, at 8:30 a.m. The meeting was attended by Commission members: Joe Smith, Karen Mundy, Frank Penn and Mike Owens. Committee members in attendance were: Hillard Newman, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Cheryl Galt, Dave Jarman, Denise Bullock and Kelly Hunter, as well as Mike Sanner, Department of Law. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.

1. All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.
2. All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.

- A. **CONSENT AGENDA - NO DISCUSSION ITEMS** – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

- Criteria:**
- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
 - (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
 - (3) no discussion of the item is desired by the Commission; and
 - (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
 - (5) the matter does not involve a waiver of the Land Subdivision Regulations.

- Requests can be made to remove items from the Consent Agenda:**
- (1) due to prior postponements and withdrawals,
 - (2) from the Planning Commission,
 - (3) from the audience, and
 - (4) from Petitioners and their representatives.

At this time, the Chair requested that the Consent Agenda items be reviewed. Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval of some of these items and the staff recommended approval of the remainder. (A copy of the Consent Agenda is attached as an appendix to these minutes).

* - Denotes date by which Commission must either approve or disapprove request.

1. PLAN 2014-34F: GARDENSIDE CABANA CLUB (PARKSIDE DEVELOPMENT) (AMD) (8/3/14)* - located at 1060 Cross Keys. (Council District 11) **(The Kleingers Group)**

Note: The purpose of this amendment is to subdivide one lot into three lots.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection area(s) and required street tree information.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 8. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 10. Correct plan title.
 11. Addition of zoning, street frontage and site acreage in site statistics.
 12. Addition of zone lines and labels.
 13. Denote adjoining property with dashed lines, and clarify.
 14. Correct property owner's certification.
 15. Correct Planning Commission's certification.
 16. Clarify 20' building line setback (from streets).
 17. Remove side and rear yard setback information.
 18. Denote variance granted by the Planning Commission on plat.
2. PLAN 2013-38F: TUSCANY, TRACT A (9/2/14)* - located at 1978 Winchester Road. **(HDR Engineers)**
(Council District 6)

Note: The Planning Commission originally approved this plan on May 23, 2013, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
9. Correct notes #1, #3 & #5.
10. Denote existing conditional zoning restrictions and clarify building setback along Winchester Road.
11. Denote a pedestrian system along Winchester Road to the approval of the Bike & Pedestrian Planner.
12. Denote timing of street construction and dedication prior to issuance of any Occupancy Permits, if recorded in phases.

Note: Section 1 of this plan was recorded on August 30, 2013. Commission's approval has since expired for Section 2, and the applicant now requests reapproval of the plan.

The Staff Recommends: **Reapproval for Section 2**, subject to original conditions #1, 2, 4, 5, 7 and 12 (if applicable).

3. PLAN 2013-53F: 300 WEST VINE, LLC PROPERTY (9/3/14)* - located at 307-315, 317-331 and 343 South Broadway. (Council District 3) **(Strand & Associates)**

Note: The Planning Commission originally approved this plan on June 13, 2013, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
6. Correct vicinity map (northern property).
7. Addition of building lines (10') as required by Article 8-18(h).
8. Addition of survey monument information.
9. Correct Engineer's certification to the approval of the Division of Engineering.
10. Resolve access and pedestrian easements from Lot 1 to serve Lot 2.

* - Denotes date by which Commission must either approve or disapprove request.

Note: The applicant now requests an extension of the Commission's original approval.

The Staff Recommends: **Approval of a one-year extension**, subject to the original conditions.

4. DP 2014-45: INDIAN HILLS SUBDIVISION (LEXINGTON VEIN CENTER, PLLC) (8/3/14)* - located at 3116 Harrodsburg Road. (Council District 10) **(Wheat & Ladenburger)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
8. Delete note #12.
9. Denote construction access point location.
10. Clarify tree protection area.
11. KYDOT's approval of proposed access to Harrodsburg Road.
12. Resolve methods to address potential loss of Ash trees and tree canopy.

5. DP 2013-29: HEADLEY, NIVEN & VANCE PROPERTY, LOTS 1, 2 & 3 (9/3/14)* - located at 1500 Russell Cave Road & 281 and 285 New Circle Road. (Council District 1) **(Vision Engineering)**

Note: The Planning Commission originally approved this plan on May 9, 2013, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Kentucky Transportation Cabinet's approval of access to Russell Cave Road.
10. Clarify restaurant seating to include outdoor patio area (and any related off-street parking).
11. Correct, delete and consolidate notes #9 - #13 to the approval of the Urban Forester.
12. Denote that the proposed construction access from Russell Cave Road cannot be built or utilized except with the issuance of a permit for Building 1.
13. Label existing and proposed access points to Russell Cave Road.
14. Denote: No building permit shall be issued for Building 1 until the existing access (#2) to Russell Cave Road is closed. The new access shall be constructed to the approval of the Division of Traffic Engineering and the Division of Engineering.
15. Signage for right turn only at access #3.

Note: The applicant now requests reapproval of the plan.

The Staff Recommends: **Reapproval**, subject to the original conditions, and adding one condition:

16. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.

In conclusion, Mr. Sallee said that the items identified on the Consent Agenda could be considered for conditional approval at this time by the Commission, unless there was a request for an item to be removed from consideration by a member of the Commission, or the audience, in order to permit further discussion.

Consent Agenda Discussion – The Chair asked if anyone in the audience or on the Commission desired further discussion of any of the items listed on the Consent Agenda. There was no response.

Action - A motion was made by Mr. Penn, seconded by Mr. Wilson and carried 9-0 (Brewer and Drake absent) to conditionally approve the items listed on the Consent Agenda, including the findings provided by the staff.

- B. DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

* - Denotes date by which Commission must either approve or disapprove request.

The procedure for these hearings is as follows:

- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum OR 3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Commission discusses and/or votes on the plan.

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the meeting. The Chair will announce his/her decision at the outset of the hearing.

1. FINAL SUBDIVISION PLANS

Note: The next two items were heard simultaneously.

- a. PLAN 2014-31F: THE FAIRWAYS AT ANDOVER, UNIT 1-B (8/3/14)* - located at 3435 McFarland Lane.
(Council District 6) **(EA Partners)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Correct FEMA map reference (2014 map date).
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Denote width of sanitary sewer easement across Lots 1 - 8.
11. Denote width of storm and sanitary sewer easement across Lots 58 - 65.
12. Discuss status of required LOMR.
13. Discuss proposed 54" stormwater pipe to contain floodplain and floodway.
14. Discuss timing of public street dedication with LOMR and stormwater improvements.

- b. PLAN 2014-32F: THE FAIRWAYS AT ANDOVER, UNIT 1-C (8/3/14)* - located at 3435 McFarland Lane.
(Council District 6) **(EA Partners)**

The Subdivision Committee Recommended: **Postponement**. There were concerns with the timing of the LOMR and the stormwater system improvements.

Should this plan be approved, the following requirements should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Correct FEMA map reference (2014 map date).
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Denote width of sanitary sewer easement across Lots 9 - 12.
11. Denote width of storm and sanitary sewer easement across Lots 56 - 60.
12. Provided PLAN 2014-31F is recorded prior to this plat.
13. Discuss status of required LOMR.
14. Discuss proposed 54" stormwater pipe to contain floodplain and floodway.
15. Discuss necessary stormwater improvements needed in "Future Development" area off site.

Staff Presentation – Mr. Jarman directed the Commission's attention to the two final record plats for the Fairways at Andover, Units 1-B and 1-C and said that both of these plats are located at 3435 McFarland Lane. He oriented the

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Commission's attention to the location of the subject property using the plat renderings, and exhibit from the zone change hearing, and explained that the site is located between Man o' War Boulevard, Todds Road and -I75.

Directing the Commission's attention to Unit 1-B, Mr. Jarman said that the Subdivision Committee had recommended approval of the applicant's request, subject to the conditions listed on today's agenda. He briefly explained that conditions #1 - 9 involve standard sign-off conditions from the different utilities and divisions of the LFUCG, and that many of the remaining conditions are "cleanup" items. He indicated that there are also few remaining discussion items, and explained that these issues are related to the proposed Letter of Map Revision denoted on the plat. He said that the applicant has not officially filed the Letter of Map Revision (LOMR) with FEMA to adjust the floodplain boundaries. As part of the LOMR, the applicant has proposed to construct a 54" stormwater pipe to contain the floodway, primarily under the new street. He said that the applicant has not indicated the timing of the public street dedication with the Letter of Map Revision or the stormwater improvements that will be necessary for this site (conditions #12, 13 and 14).

Mr. Jarman said that, in looking at the overall area, Unit 1-C will be the most impacted from the current floodplain boundaries. He said that the Subdivision Committee had recommended postponement of the applicant's request, and briefly explained that, should this request be approved, it should be subject to the conditions listed on today's agenda. He then briefly explained that conditions #1 -9 involve the standard sign-off conditions from the different utilities and divisions of the LFUCG, and the remaining conditions are "cleanup" items. He indicated that the same discussion issues concerning the floodplain on Unit 1-B also apply to Unit 1-C (conditions #13 and 14). He said that there is an additional requirement noted on Unit 1-C, and the staff would like more information provided on the necessary stormwater improvements needed for the "Future Development" area just off that site. He said that the 54" stormwater pipe will continue south of the subject property, at which time it will drain into the existing pond near Autumn Ridge Drive.

Mr. Jarman said that the staff is concerned with the finished floor elevations of the proposed lots and the prospective homeowners being aware of their property being in or out of the designated floodplain area. He then said that the staff believes that a note should be added to the final record plat noting that no building permits are permitted on Unit 1-C until the Letter of Map Revision is officially filed with FEMA. This note will give the potential lot purchasers a fuller understanding of the necessary LOMR, the 54" stormwater pipe and the ability to obtain the elevation certificate that will be required for flood insurance through their mortgage company.

Planning Commission Questions – The Chair asked if the LOMR has been filed with FEMA. Mr. Jarman said that the Conditional Letter of Map Revision has been noted on the final record plat, but it is the staff's understanding, the LOMR has not been officially filed with FEMA. He added that, once it has been filed with FEMA, the configuration of the floodplain is expected to change to the dimensions of a 54" stormwater pipe. The Chair asked if there will be construction or building during this process. Mr. Jarman replied that there will be home building.

Ms. Plumlee asked if the elevation certificates should be listed as a condition to plat approval. Mr. Jarman replied it is possible to do so, due to the amount of interest and calls the Division of Planning receives concerning elevation certificates and flood insurance. He then said that, during the closing on a home, the homeowners are often caught off guard when they are required to purchase flood insurance. He added that a certain level of information on these plats would benefit the homeowner and would allow them to make a wise decision before they close on their home.

Mr. Penn asked if the homes can have a basement if there is a 54" pipe crossing their lots. Mr. Jarman deferred the construction question to the applicant, but said that there is a 15' storm drainage easement that zig-zags through the property toward the future development area. This width will accommodate a 54" stormwater pipe.

Mr. Wilson said that when construction of the lots begins the floodplain could shift. Mr. Jarman said that after the LOMR is filed and the construction is completed, the configuration of the floodplain could dramatically change. Mr. Wilson asked when the homeowners would know about this. Mr. Jarman said that a note could be added to read "No building permits shall be issued for lots affected in the floodplain until such time as the LOMR is officially filed with FEMA."

Ms. Mundy clarified that when Mr. Jarman said that the floodplain would change, it will still flow in the same direction and will be smaller in size. Mr. Jarman replied affirmatively and said that the configuration could, theoretically, be the same width as the pipe.

The Chair said that the staff has suggested that a note be placed on the plat to read that there shall be no building permit until the Certificate of Occupancy is issued, but asked if a lot can be purchased without constructing a building. He said that buying a lot is different than a house, and asked if the homeowners should know this information before they purchase the lot. Mr. Jarman replied that it would be helpful.

Representation – Rory Kahly, Landscape Architect, and Tom Hatfield, Engineer, EA Partners, were present representing the applicant. Mr. Kahly briefly explained the differences between a Conditional of Letter Map Revision and a Letter of Map Revision, and said that CLOMR is when the construction documents have

been submitted for review by FEMA, who ultimately approves the work to be done in the floodplain. He then said that after the work is completed, they will submit their as-built plan showing the floodplain boundaries for it to be officially changed by FEMA. Mr. Kahly said that the reason there are two plats is that Unit 1-B shows the lots outside of the current floodplain area, and Unit 1-C shows the lots that are impacted by the current floodplain boundaries. He then said that, until the LOMR is accepted by FEMA, the lots on Unit 1-C would require floodplain insurance.

Planning Commission Questions – Mr. Penn asked, if he were to purchase a lot with the 54" pipe crossing the lot, if anything could be built on top of that pipe. Mr. Kahly replied negatively, and said that the pipe would be within an easement. Mr. Penn then asked if a basement could be constructed on such a lot - outside the stormwater easement. Mr. Kahly replied affirmatively.

Mr. Berkley asked the size of the cross-section for the stormwater pipe. Mr. Hatfield explained that a 54" pipe is 4' in height, and the depth of the top of the pipe will be at a minimum of 2' and up to 5' going upstream, it would be a total of 8' to 10' deep. He then said that the pipe will not be any different than any other existing stormwater pipe in the other neighborhoods. He added that the stormwater pipe will not prevent any home from having a basement.

The Chair asked where the 54" stormwater pipe will run through the property and what they are anticipating regarding the floodplain or floodway being removed. Mr. Hatfield directed the Commission's attention to the plat renderings and explained that there are several smaller pipes leading into the subject property that will connect to the 54" stormwater pipe. He said that there is a retention basin, to the north in Autumn Ridge Subdivision, which discharges the stormwater into a smaller pipe that will eventually connect to the 54" stormwater pipe. He then said that the 54" pipe will meander through and follow the lot lines, as well as run in the right-of-way until it reaches a large sedimentation basin on the Phase III area. He added that the sedimentation basin in that area was constructed to protect the residents downstream.

Mr. Hatfield said that the first part of a Letter of Map Revision is to submit a Conditional Letter of Map Revision, which is an extensive study that analyzes and compares the water surface elevations between the existing floodplain and the post-developed floodplain. He said that, as long as the water surface is not being raised upstream, then FEMA will grant a Conditional Letter of Map Revision. He then said that this documentation allows them to work within the floodplain, as long as the work that is being done is what was approved on the FEMA application. He added that afterwards they will submit their as-built plans to show that the work is completed; and at that time, FEMA will officially grant a Letter of Map Revision. He added that the floodplain does not officially change until the LOMR is submitted to FEMA, which is why they have chosen to separate Unit 1-C from Unit 1-B.

Mr. Hatfield said that the 54" stormwater pipe is either in the ground or is being constructed on the site. He then said that the pipe will be a completed system once it is tied in with the northern basin. He added that as the 54" pipe is completed along with the street construction, they will submit their as-built plans and the final record plat to the Division of Engineering to start the recording process. He said that there will be no lots on Unit 1-C until the 54" pipe is completed and dedicated through the easements. He then said that the ground is already elevated above the floodplain; and once the LOMR is filed, the floodplain boundary will be removed from the Fairways of Andover Property.

Planning Commission Questions – Mr. Penn asked how wide the two lots are where the stormwater easement will run. Mr. Hatfield said that all the lots are ranging between 50' to 52' wide. Mr. Penn then asked if the easement will be divided between the two lots. Mr. Hatfield replied affirmatively. Mr. Penn asked if there is enough room on these lots to build a house. Mr. Hatfield said that the developer has reviewed and is satisfied with the lot widths.

Mr. Berkley asked if the need for flood insurance will be eliminated with this process. Mr. Hatfield replied affirmatively, once the LOMR is official; but until that time, the homeowners will still need to purchase the flood insurance. He then said that they can not provide an elevation certificate until a structure is built on the property. He added that the two plats are separating the lots within the floodplain from the lots outside the floodplain. He noted that they are agreeable to add a note to the plat to give the homeowner the best information available, but he indicated that everyone is to be aware of the issue. He said that a Special Permit is required from the Division of Engineering when the floodplain has been altered, and the LOMR has not been accepted yet. He then said that this has been done on the Gess Property, the Mahan Property and several other developments with the same situation. Mr. Hatfield asked for consideration of the note that is already on the final record plat that reads that no building permits are to be issued until the LOMR has been filed. He said that they would prefer to go forward with this development in two phases and file one LOMR at the end.

The Chair asked if the pipes were put in the ground and if the ground was elevated above the floodplain before the LOMR was filed. Mr. Hatfield explained that a Conditional Letter of Map Revision was filed before the work was started, and a Letter of Map Revision will be filed after the work is completed. The Chair then

asked if it is their preference to wait on the LOMR until after Unit 1-B and Unit 1-C are completed, or when the cul-de-sac is constructed and the new basin is completed. Mr. Hatfield said that they prefer to not file the LOMR until the cul-de-sac is completed, which is Phase III. He then said that the sedimentation basin would then be removed, and the stormwater management system downstream would be removed as well. The Chair asked if they want to obtain building permits for the lots before the LOMR is submitted. Mr. Hatfield replied that is correct.

Mr. Penn asked what happens to the water once it enters the sedimentation basin. Mr. Hatfield directed the Commission's attention to the plat rendering and pointed out the area where the stormwater management system will be used. He explained that there is a large stilling basin at the end of the headwalls where a 54" and a 42" pipe will enter. He said that the headwalls will break up the velocity of the water and there will be native plantings to help soil erosion. He added that this stormwater management area will remain undisturbed. Mr. Penn then asked if the water would be above ground until it enters the pond. Mr. Hatfield replied affirmatively. Mr. Penn said that the water will be in people's backyards. Mr. Hatfield agreed, and said it will travel the same path as it did before.

The Chair said that water from the 54" pipe will be dumping into the sediment basin and asked why they are not using the large stilling basin. Mr. Hatfield explained that the sedimentation basin is a large basin that has protected the Autumn Ridge pond and the neighborhood downstream. He said that they prefer to have it remain in place until Phase I and Phase II are completed, at which time this area would then be reclaimed.

Ms. Plumlee said that there is no indication that flood insurance or elevation certificates will be needed on the list of recommendations. Mr. Hatfield said that there is no note referencing the flood insurance or elevation certificate, but they would be agreeable to add a note stating that flood insurance and/or an elevation certificate may be required. Ms. Plumlee said that she would be more comfortable if a notation was placed on the plats concerning the flood insurance and/or that an elevation certificate may be required. Mr. Hatfield said that they would not have a problem with that request.

The Chair asked how the Division(s) of Fire and Traffic Engineering felt about Sawgrass Cove dead-ending. Mr. Kahly said that, as far as access points or turnaround on Sawgrass Cove, the Technical Committee did not discuss that area. He then said that, as far as stub streets, this proposal will finally connect Autumn Ridge Drive and Marco Lane, which have been stub streets for years.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Planning Commission Questions – Mr. Penn asked if the staff is still recommending postponement of PLAN 2014-32F. Mr. Jarman replied affirmatively, and indicated that staff wanted to have an open discussion concerning conditions #13 - 15. Mr. Penn confirmed that the staff is recommending approval of PLAN 2014-31F and postponement of PLAN 2014-32F. Mr. Jarman replied that is the staff's recommendation. He added that if the Planning Commission believes that the discussion issues have been thoroughly vetted, the recommendation can be changed to approval.

Ms. Blanton said that the applicant had indicated that the LOMR could happen after the structures are built, but the staff is not comfortable with their request. She asked what the staff believes to be an appropriate timing of the LOMR. Mr. Jarman said that the LOMR is set according to FEMA procedure and law. Ms. Blanton said that if the procedures are set in law, and the structures are in place, the applicant would be bound by what they submitted to FEMA. She said that she was wondering why the staff was still recommending postponement and asked for clarification and guidance from the staff. Mr. Saltee said that, until today's discussion, the staff did not know what type of timeline there would be between the approval of these plats and the completion of the construction to allow the LOMR. He then said that the applicant had indicated that the LOMR can be done in two parts, which would move PLAN 2014-31F along; but PLAN 2014-32F would still be subject to the flood insurance requirement for a short time. Mr. Saltee said that the Commission can either approve PLAN 2014-32F, knowing that a note (discussed earlier) can be crafted after today's meeting or they could craft the note before the Commission grants their approval. This decision would dictate as to how the Commission would proceed with this request.

Mr. Penn asked if the staff was comfortable that condition #15 on PLAN 2014-32F had been resolved. Mr. Jarman replied affirmatively.

Mr. Penn asked what the safety issues are concerning the two pipe openings. Mr. Kahly said that there are stone checks at the headwalls that will slow down the water flow. Mr. Penn said that these are pretty good sized pipes and asked about the standard protocols for safety. Mr. Kahly said that grates are not placed over the headwall of a pipe or box culverts; otherwise, a person could be trapped. Mr. Penn said that without the grates people could get in and out of the water. Mr. Kahly said that, as part of the Division of Engineering's acceptance of the floodplain information, a note is added to the plat that describes the LOMR process. He then said that this type of situation has happened all over town, and they can add language to that note as a way to inform the homeowners that flood

insurance may be required. He added that they would like to have both plats approved in order for both to be recorded.

The Chair asked if the staff or the applicant had drafted language to have the LOMR in two parts. He then asked about the timing of the future development of Phase III. Mr. Kahly said that they would prefer to file only one LOMR with FEMA due to the time and expense it takes, as opposed to breaking it into sections only to allow PLAN 2014-31F to go to record. The Chair said that it was mentioned that the LOMR could be broken into parts. Mr. Kahly said that it is a possibility, but it is not the preferred way. The Chair said that it would be beneficial to have a note to ensure that the prospective buyers understand that they may need flood insurance.

Mr. Berkley asked about the typical timeline of a LOMR. Mr. Kahly said that from filing to its acceptance could take up to 10 months or longer. Mr. Berkley said that it may 6 months to construct the house.

Mr. Cravens asked, as far as the discussion items, what the staff's feelings are. The Chair said that there are some conditions that could be deleted from the recommendations and some that could be changed to "resolved." Mr. Jarman said that if the Commission was comfortable with the discussion, those conditions could be changed to "resolve."

Mr. Cravens asked if conditions #13 and 14 could be changed to "resolve." Mr. Jarman replied affirmatively. Mr. Kahly objected, and said that condition #14 should be deleted because the plat would dedicate the street. He asked what else needs to be resolve since these items had been discussed. Mr. Cravens agreed and said that that was his question. Mr. Saltee said that, given the previous discussion, he suggested the following changes and omissions:

PLAN 2014-31F: THE FAIRWAYS AT ANDOVER, UNIT 1-B, subject to the first 11 conditions changing condition #12 to read: "Resolve status of required LOMR" and deleting conditions #13 and 14.

PLAN 2014-32F: THE FAIRWAYS AT ANDOVER, UNIT 1-C, subject to the first 12 conditions, changing condition #13 to read: "Resolve status of required LOMR" deleting conditions #14 and 15.

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy to approve PLAN 2014-31F: THE FAIRWAYS AT ANDOVER, UNIT 1-B, subject to the first 11 conditions, changing condition #12 to read: "Resolve status of required LOMR;" and deleting conditions #13 and 14.

Discussion of Motion – Ms. Plumlee asked if flood insurance was required for Unit 1-B. Mr. Kahly replied it would not be on Unit 1-B.

The motion carried 9-0 (Brewer and Drake absent).

Action - A motion was made by Mr. Cravens, seconded by Mr. Wilson to approve PLAN 2014-32F: THE FAIRWAYS AT ANDOVER, UNIT 1-C, subject to the first 12 conditions, changing condition #13 to read: "Resolve status of required LOMR," deleting conditions #14 and 15, and adding a new condition #14 to denote: "These lots may need flood insurance until such time the LOMR is completed."

Discussion - The Chair asked if staff was comfortable with the language on condition #14. Mr. Saltee replied affirmatively.

The motion carried 9-0 (Brewer and Drake absent).

Note: Ms. Blanton said that she has clients that are involved with the Turfland Mall property and the LexTran Public Facility Review, and as such, she would be recusing herself from the rest of the meeting. The Chair said that Ms. Blanton had chosen to not be reappointed in July and today would be her last meeting serving on the Planning Commission. He then said that the Commission appreciates the time that she has given and that they will miss her.

- c. PLAN 2013-37F: TURFLAND MALL (AMD) (9/2/14)* - located at 2195 Harrodsburg Road.
(Council District 11) **(HDR Engineers)**

Note: The Planning Commission originally approved this plan on May 9, 2013, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
7. Complete boundary information for Tract 2 (solid lines), including bearings and dimensions.
8. Delete notes #8 and #9.
9. Addition of required site statistics.

* - Denotes date by which Commission must either approve or disapprove request.

10. Addition of all easement information on Tract 2.
11. Addition of private utility providers.
12. Correct note #5.
13. Revise note #1 to current requirements.
14. Approval and certification of an amended development plan prior to plan certification.

Note: The Commission's approval has since expired, and the applicant now requests reapproval of the plan, and has also requested a waiver to Article 6-6 of the Land Subdivision Regulations.

Staff Presentation – Mr. Martin directed the Commission's attention to a rendering of the plat for the former Turfland Mall, located at 2195 Harrodsburg Road. He said that the Commission's approval has since expired, and the applicant now requests reapproval of the plan, as well as a waiver to Article 6-6 of the Land Subdivision Regulations. He directed the Commission's attention to the location of the subject property on an aerial photograph, and explained that the site is located near Lane Allen Road along Harrodsburg Road. He said that the proposed outlot will be in front of the old Dillard's building, between the Lone Star restaurant and the existing Walgreen's store. Mr. Martin said that the Planning Commission recently approved a development plan for this new outlot, and it has been certified to allow the construction of a restaurant and the associated parking. He added that there is an access point to Harrodsburg Road located between the Lone Star restaurant and the proposed outlot; and when this item was first presented to the Commission, there was a lot of discussion about the access point and closing the existing median opening adjacent to the new outlot.

Mr. Martin said that the staff is recommending reapproval of the applicant's plat, subject to the original conditions of approval from May 9, 2013.

Mr. Martin then directed the Commission's attention to the staff's Waiver report, and said that the applicant has requested to waive Articles 6-2(a) and 6-6(b) of the Land Subdivision Regulations, pertaining to the required provision of public sanitary sewer facilities to a lot prior to the recordation of a Final Record Plat. He noted that on the aerial photograph (on the overhead) the private sewer trunk lines serving this area are being shown, and explained that the sewer line comes across Harrodsburg Road into the interior portion of Turfland Mall and out towards the Home Depot. The Home Depot improvements do encroach somewhat over this sewer line. Mr. Martin then said that the sewer line that will serve this lot is located at the rear of the outlots and runs parallel to the Dillard's building that is currently being remodeled. The purpose of the applicant's request is to allow the Final Record Plat to be recorded; so that the outlot can be purchased and developed. He said that the applicant will build a lateral sewer line that will connect to the sewer trunk line at the rear of the property. This has been done for the other outlots located along the Harrodsburg Road frontage.

Mr. Martin explained that sections of the existing sewer lines under the Turfland Mall property consist of clay piping, but these outlots will be constructed with PVC piping at the same time as the new outlot building is constructed. He said that since the existing sewer lines are made of clay, they were never dedicated as "public" lines, which is important. He then said that the LFUCG does not want to take on responsibility for the maintenance, repair or replacement of the older clay sewer lines; but, rather, that responsibility will fall back on the private property owner(s).

Mr. Martin said that the staff is recommending approval of the requested waivers, for the following reasons:

1. Granting the requested waiver will not adversely affect public health and safety, as the properties are currently adequately served by previously approved private sanitary sewers and shall continue to be served by the existing system.
2. Not granting the requested waiver would constitute an exceptional hardship to the approval by requiring the potential relocation and reconstruction of the existing lines before they could be accepted as public sanitary sewer lines.

Mr. Martin noted that this recommendation is made subject to the following requirement:

- a. Prior to certification of the Final Record Plat, denote private sewer easements and notes regarding maintenance of the sanitary sewer lines, to the approval of the Divisions of Engineering and Water Quality.

Planning Commission Questions – Ms. Mundy asked if there is an agreement in place as to who maintains the clay sewer line. Mr. Martin said that the staff is unaware as to how the private agreements are handled. He then said that a note will be placed on the final record plat stating that the responsibility of the sewer line will fall back on the private owner(s). He added that a minor development t plan amendment was submitted to the Division of Planning for the old Dillard's building, and the staff did inform the engineer that a similar note will be needed on that development plan.

Representation – Mark McIntosh, HDR Engineers, was present, representing the applicant. He said that they are in agreement with the staff's recommendations and requested approval.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Planning Commission Comments – The Chair noted that there is an error in the waiver report title, and said that the report is entitled PLAN 2014-137F, when it should read PLAN 2013-37F. Mr. Martin apologized for the staff's typographical error.

Action - A motion was made by Mr. Penn, seconded by Mr. Cravens and carried 8-0 (Blanton recused; Brewer and Drake absent) to reapprove PLAN 2013-37F: TURFLAND MALL (AMD), and approve the requested waivers, as recommended by the staff.

- C. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – Any bonds or letters of credit requiring Commission action will be considered at this time. The Division of Engineering will report at the meeting.

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 8-0 (Blanton, Brewer and Drake absent) to approve the release and call of bonds as detailed in the memorandum dated June 12, 2014, from Barry Brock, Division of Engineering.

- VI. **COMMISSION ITEMS** – The Chair will announce that any item a Commission member would like to present will be heard at this time.

- A. **PFR 2014-2: LEXTRAN HEADQUARTERS COMPLEX** – a Public Facility Review of the proposed new headquarters complex for LexTran, at 200 W. Loudon Avenue & 911 Russell Cave Road.

SUMMARY FINDINGS: There are no Goals or Objectives of the Comprehensive Plan that are in opposition to the construction and occupancy of the new LexTran Headquarters on the subject property. Several Themes, Goals and Objectives, as well as text of the Plan, support the project; additionally, it is in compliance with the previous recommendation (*2007 Comprehensive Plan*) of Light Industrial land use for the property. The type of facility that is proposed is akin to a truck terminal and its associated uses, which are principally permitted in the I-1 (Light Industrial) zone. By virtue of its occupancy 24/7, there is a potential to disturb residential properties to the west; however, the presence of the R.J. Corman Railroad and what appears to be an abundant amount of screening along the rail line will help to mitigate that situation. Bioswales will be implemented to filter runoff from the parking areas and the bus storage areas prior to its entry into the storm water system. There are no other apparent/significant issues that might be of concern in the proposed use of this property.

The purpose of the headquarters facility is to provide an updated, central (and sizeable) location so that all employees may be accommodated in the same location, which should help to make operation of LexTran more efficient and cost effective. This, in itself, constitutes compliance with the Comprehensive Plan, as well as *Destination 2040*. Both endorse improvements to the existing transit system and provision of alternative, multi-modal means of transportation in and around Fayette County with the purpose of maintaining and/or improving Lexington's quality of life.

RECOMMENDATION:

1. Because the property will be occupied 24/7, it is recommended that the existing tree line that borders the property to the west be maintained, and supplemented if needed, to screen the proposed use from the adjoining residential properties.

Staff Presentation - Ms. Rackers presented the staff report for this Public Facility Review and said that this is for the proposed new headquarters complex for LexTran, located at 200 W. Loudon Avenue & 911 Russell Cave Road. She directed the Commission's attention to the overhead projector, and explained that the subject property is located on the south side of W. Loudon Avenue, just west of N. Broadway. Russell Cave Road is directly across from one of the site's proposed entry points. She said that the subject property is currently comprised of two parcels (911 Russell Cave Road & 200 W. Loudon Avenue); however, the properties will be consolidated into one parcel known as 200 W. Loudon Avenue.

Ms. Rackers said that the subject site is located in a Light Industrial (I-1) zone, and the former 2007 Comprehensive Plan recommended Light Industrial land use for this property. She then said that the proposed use is allowed in the I-1 zone, as it is substantially similar to a truck terminal, which is principally permitted use therein.

Ms. Rackers said that the properties are vacant and the acreage of both parcels totals 13.69 acres. She explained that the GE Manufacturing plant was formerly located on this site, where incandescent light bulbs were made from 1946 to 2010. In 2010, the manufacturing plant was closed down due to a change in legislation that required higher efficiency light bulbs. As a result of this change, incandescent light bulbs became obsolete and the factory closed.

Ms. Rackers directed the Commission's attention to the submitted site plan, and explained that the applicant is proposing to have two primary buildings that will consist of a 22,764 square-foot Administration and Operations Facility and a 26,325 square-foot Maintenance Facility. She then said that there will also be two ancillary buildings for fueling and washing the fleet vehicles, a trash enclosure and potentially a storage building (future construction).

Ms. Rackers said that there is no known opposition to the construction of a new LexTran bus/headquarters facility at this location. She then said that the staff had reviewed the *2013 Comprehensive Plan*, including its Goals and Objectives adopted in 2012, and both are supportive of this request. She added that there are several Themes, Goals and Objectives, as well as text of the

Plan that support this project. The *Destination 2040*, which is referenced in the 2013 Comprehensive Plan, also supports this request.

Ms. Rackers indicated that the LexTran employees are scattered throughout Lexington, which makes operations inefficient and difficult. LexTran would like everyone at one location, so they had purchased this property in September of 2013 in order to accommodate all employees under one house and expand their facility. She said that, as part of their original plan, they had planned to demolish part of and expand the existing building on Loudon Avenue to achieve this. She then said that during the planning process, the building was determined to have historic significance, which meant that demolition would be discouraged. The subject property was available, is vacant and is large enough to accommodate LexTran's needs in one location so they decided to move forward with their plans. Ms. Rackers said that there will be between 50 to 140 employees on the site each day, and the facility will be occupied 24/7. She then said that new jobs will be created during the construction process as well as in the utility and maintenance department, whether for the building or the maintenance of the bus fleet. This directly supports Theme C, Goal 1, Objectives a and d: "Strengthen efforts to develop a variety of job opportunities that lead to prosperity for all" and "Foster the success and growth of large employment sectors; protect and provide readily available economic development land to meet the needs for jobs; and enable infill and redevelopment that creates jobs where people live."

Ms. Rackers said that the estimated start of construction for this facility is August 2014, with completion and occupancy anticipated to be December 2015. She then said that, as part of their proposal, there will be on-site parking for the employees and visitors, as well as pedestrian areas. She added that some of the site improvements include storm water management that will utilize bioswales along Loudon Avenue to address parking lot and rooftop runoff. She said that landscaping will also be implemented along Loudon Avenue to provide an enhancement and screening between the street and the bus and employee parking areas. She then said that landscaping has not been proposed for the western side of the property, and when there are two different zones adjacent to each other, in this case, I-1 adjoining B-1 and residential, zone-to-zone screening would generally be required. However, in looking at the aerial photograph, it appears to already have adequate screening in this area. She said that if this area does not have adequate screening, it is recommended that additional landscaping/buffering be placed along that property line.

Ms. Rackers said that the project architect has stated that both the site and building will be designed and certified to a minimum LEED Silver status. This means that this site would accrue at least 50 to 59 points of a possible 80+ toward LEED Certification. She then said that the LexTran project will also meet the Federal Transit Authority (FTA) regulations, both of which will ensure compliance with Theme B, Goal 2 ("Reduce Lexington-Fayette County's carbon footprint") and Theme B, Goal 2, Objective c ("Provide incentives for green building, sustainable development, and transit-oriented development with civic agencies leading by example through the use of green building standards"). Ms. Rackers said that Chapter 6 of the 2013 Comprehensive Plan is entitled "Improving a Desirable Community", and one of the primary discussion items of that chapter is how transportation contributes to a desirable community. She then said that one of the primary discussion items is how transportation can help to accomplish, and include: 1) provision of safe roads for pedestrians and all users; 2) reduction of traffic congestion and travel time; and 3) provision of accessible and viable alternatives to car travel. One of the Comprehensive Plan's recommendations is to expand public transit; and this is part of LexTran's long range plan. She said that public transit is one way to address roadway congestion; and LexTran is considering bus rapid transit system and the possibility of designating and improving Nicholasville Road and South Limestone (US 27) a high capacity transit corridor to address congestion and enhance transit service. LexTran has also added hybrid buses to their fleet. She then said that all of these improvements should be facilitated and enhanced by having the entire employee base and bus fleet at one location.

Ms. Rackers then said that *Destination 2040* is referenced in the 2013 Comprehensive Plan specifically in Objective b of Theme F, Goal 1. She indicated that this section notes that the LFUCG should strive to "meet local standards in order to accomplish the community's vision." She said that the primary goal of *Destination 2040* is how to protect everything we value in Fayette County, while continuing to grow as a community. She added that there are Four Aspects of Community Life that formed the framework of *Destination 2040*, and those include Human Needs, Physical Growth, Economic Expansion and Cultural Creativity. She noted that "Human Needs" and "Physical Growth" are the most applicable for this project. Ms. Rackers said that each aspect of Community Life has a list of action approaches as well as a list of agencies that would be the ones to facilitate this. She then said that LexTran was listed, along with LFUCG, businesses, churches and others with large parking areas, as well as the federal government, to be initiators of these action plans. The two action plans included, as part of the "Human Needs" aspect are "Make Lexington a leader in improving air quality by reducing greenhouse gases and employing sustainable choices in housing, transportation, energy and other community activities. As part of this approach, ensure that LFUCG, LexTran and other public sector entities continue to invest in energy efficient vehicles," and "Continue to reduce transportation barriers for low income/disabled residents to access services and reach places of employment." Ms. Rackers said that there are also two action approaches as part of the "Physical Growth" Aspect: "Further develop park and ride" and "Investigate/expand existing public transportation services to regional communities." She noted that, with the new larger facility, it will help LexTran more fully participate in these initiatives, as well as provide LexTran more efficiency in their operation.

Ms. Rackers said that the staff finds this proposal to be in compliance with the 2013 Comprehensive Plan. She then said that there are no Goals or Objectives of the Comprehensive Plan that are in opposition to this request, and it is supported by the previous *Destination 2040* effort. She added that both endorse maintaining and/or improving Lexington's quality of life. Ms. Rackers said that the only recommendation from the staff is that because this property will be occupied 24/7, it is recommended

* - Denotes date by which Commission must either approve or disapprove request.

that the existing tree line that borders the property to the west be maintained, and supplemented if needed, to screen the proposed use from the adjoining residential properties.

Ms. Rackers concluded by saying that Charlie Barnhart and Ben Sorrell, architects with Sherman/Carter/Barnhart, were present, along with Rocky Burke, General Manager of LexTran, should the Planning Commission have further questions about the proposal.

Planning Commission Question – Mr. Penn asked if the fleet's fuel storage will be above or below ground. Mr. Sorrell replied that the fuel storage will be above ground and will have double walled tanks. He added that the tanks will be visually screened from Loudon Avenue. Mr. Penn then asked what the capacity of the tanks would be. Mr. Sorrell said that there will be two 10,000-gallon diesel tanks and one 1,000-gallon unleaded gas tank. Mr. Penn asked what safety measures will be taken to prevent runoff from the tanks. Mr. Sorrell explained that the tanks will be double walled; but if there was ever a spill on site, they would be using an oil-water separator to capture and contain the spill. Mr. Penn said that this could also happen when fueling up the buses, not necessarily at the tank. Mr. Sorrell said that they will have the oil-water separator to address a spill.

Ms. Plumlee asked who is funding this project. Mr. Sorrell replied that this project is primarily funded through a Federal Transit Authority (FTA) grant, along with other funding mechanisms that LexTran has applied for. Mr. Burke said that the primary funding is coming through the "State of Good Repair" grant, which is part of the FTA. He then said that they are seeking other forms of grants, but in the event those other grants do not come through, they will use conventional bank financing or a bonding project.

Ms. Mundy said that as the rail line frontages and abutments are being used up, she asked if there is any plan in the future to make a connection with the rail line for transportation purposes. Mr. Burke said that that was one of the selling points for purchase of this property. He then said that, at some point in time, there could be some type of passenger rail service provided in Lexington. He added that they plan to keep the rail spur that is on their property for that possibility.

Ms. Mundy then asked why this facility is only attaining a 50% LEED certificate. Mr. Sorrell replied that they have implemented as many site improvements they can, due to budget constraints. He then said that the FTA required them to meet a minimum of LEED Silver, and they achieved that goal. Mr. Barnhart said that this is one of a few projects that will be a LEED certified campus. He then said that their initial score card shows this project in the high 50s, and they are anticipating LEED Silver certification; but they are very close to the next level of certification. He said that they will not fall below that level, and they are pursuing other opportunities to advance to the next level, if possible.

Mr. Penn said that the old building is within the North Limestone corridor, which needs to be preserved, and asked about LexTran's plans are for that building. Mr. Burke said that, at this point time, they are not sure what they will be doing with the older building. He then said that they must follow FTA regulations and guidelines for the sale of this site, but they can not say yet what their plans are for the building. Mr. Penn said that this is a key corner for development, and he would have hoped it would go back to private development. Mr. Burke said that it is their plan to sell the older building and use the proceeds for the new site. Mr. Penn then asked if LexTran will own both properties, to which Mr. Burke replied affirmatively – at least for the time being.

The Chair asked about the existing building's historic significance. Mr. Burke explained that, in 2000, LexTran had purchased this property; and at that time the State Historic Preservation Officers deemed that the property had no historical significance. He then said that after they began this process, the State Historic Preservation Officer came back to review the site, and deemed it to have historical significance. This determination was not due to the architecture of the building itself, but rather what the building was used for. He said that the building was the precursor to the Greyhound bus station; and with the transportation significance dating back to the 1920s, it would not allow any portion of the building to be condemned. He then said that they had planned to take down the warehouse portion and restore the front 2-story building for their Administrative Building. If they were required to keep the site intact, they would not have the room for what they had planned.

The Chair said that there have been some discussions concerning the LEED Silver status; and, as it was pointed out, landscaping and so forth will be provided. He said that anytime the city, state or federal government is involved, people should lead by example and that anything possible that can be done would be greatly appreciated.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Penn, seconded by Mr. Smith and carried 8-0 (Blanton recused; Brewer and Drake absent) to find PFR 2014-2: LEXTRAN HEADQUARTERS COMPLEX in compliance with with the 2013 Comprehensive Plan, for the reasons provided by the staff.

- B. APPOINTMENT OF NOMINATING COMMITTEE FOR COMMISSION OFFICERS** - According to the Commission's By-Laws, at the first regular and official meeting in June, the Commission will elect three members to a nominating committee. This committee will present a slate of officers for consideration by the Planning Commission. The slate is to be presented at their work session in June.

The Chair said that according to the Commission's By-Laws, at the first regular and official meeting in June, the Commission will elect three members to a nominating committee. This committee will present a slate of officers for

consideration by the Planning Commission. The slate is to be presented at their work session in June; however, the upcoming work session scheduled for June 19, 2014, and the Planning Commission meeting scheduled for June 26, 2014, will be canceled. He then said that, in speaking with the Department of Law, the Nominating Committee can make their recommendations to the full Commission at the July 10, 2014, Planning Commission meeting, and still be within the by-law requirements.

The Chair asked if there were any Commission members who wished to volunteer to serve on the nominating committee. Frank Penn, Will Berkley and Carolyn Plumlee then each volunteered to serve on the nominating committee. The Chair thanked them for doing so.

Action - A motion was made by Mr. Cravens, seconded by Mr. Wilson, and carried 8-0 (Blanton, Brewer and Drake absent) to appoint the nominating committee, as presented.

- C. **CANCELLATION OF PLANNING COMMISSION MEETING** – The staff requested the Commission to take action to formally amend the 2014 Meeting & Filing Schedule to cancel their previously scheduled public hearing on June 26, 2014. The applicants for the one zone change filed for this meeting have decided to indefinitely postpone their application.

The Chair said that, as it was previously stated, the upcoming work session scheduled for June 19, 2014, and the Planning Commission meeting scheduled for June 26, 2014, had been canceled. He then said that staff has requested the Commission to take action to formally amend the 2014 Meeting & Filing Schedule to cancel the upcoming work session.

Action - A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 8-0 (Blanton, Brewer and Drake absent) to formally amend the 2014 Meeting & Filing Schedule to cancel their previously scheduled work session on June 19, 2014.

The Chair then said that the upcoming Planning Commission meeting scheduled for June 26, 2014, had also been canceled, and the staff has requested the Commission to take action to formally amend the 2014 Meeting & Filing Schedule to cancel this meeting.

Action - A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 8-0 (Blanton, Brewer and Drake absent) to formally amend the 2014 Meeting & Filing Schedule to cancel their previously scheduled Planning Commission hearing on June 26, 2014.

- VII. **STAFF ITEMS** – No such items were presented.

- VIII. **AUDIENCE ITEMS** – No such items were presented.

IX. **NEXT MEETING DATES**

Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	June 25, 2014
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	June 26, 2014
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	July 3, 2014
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	July 3, 2014
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	July 10, 2014

- X. **ADJOURNMENT** - There being no further business, a motion was made to adjourn the meeting at 2:59 PM.

Mike Owens, Chair

Carla Blanton, Secretary